

ORIGINAL

26 CV

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

FILED
HARRISBURG, PA

MAY 16 2002

JACK MARRONE, husband, KAREN
MARRONE, wife, both individually and
in their capacity as parents and
guardians for VIDA MARRONE, a minor,
Plaintiffs,

NO.: 1:CV-01-0773

MARY E. D'ANDREA, CLERK
Per
Deputy Clerk

v.

(THE HONORABLE JUDGE KANE)

ALLSTATE INSURANCE COMPANY,
LINDA M. EDLEMAN, FRED SHAFER,
MT. GRETNAL REALTY, and HOUSE
MASTERS,

Defendants.

JURY TRIAL DEMANDED

STATEMENT OF UNDISPUTED MATERIAL FACTS PER LR 56.1

1. Plaintiffs, Jack and Karen Marrone, entered into an Agreement of Sale on July 7, 1999 to purchase a property located at 354 Timber Road, Mt. Gretna, Lebanon County, Pennsylvania (Jack Marrone N.T. at 18).

2. Plaintiffs did not rely upon any representation made by Defendant Allstate about the habitability of the property prior to purchasing the home. (Jack Marrone N.T. at 18 - 19).

3. Plaintiffs, Jack and Karen Marrone, took possession of 354 Timber Road after settlement on August 31, 1999. (Jack Marrone N.T. at 19).

4. Karen Marrone applied for homeowners insurance on August 25, 1999. (Larry Miller N.T. at Exhibit 6).

5. Pursuant to Karen Marrone's application for insurance, an Allstate Deluxe Plus Homeowners Policy, Policy No. 0 01 657755, was issued. (Larry Miller N.T. at Exhibit 3).

6. The Deluxe Plus Homeowners Policy identified above was effective from 12:01 a.m. on August 25, 1999 until August 25, 1999 until August 25, 2000. The Homeowners Policy in question was in effect during all relevant times pertaining to the within action. (Larry Miller N.T. at Exhibit 5).

7. The Deluxe Plus Homeowners Policy, No. 0 01 657755, contains a mold exclusion. (Larry Miller N.T. at Exhibit 3, p. 7).

8. Plaintiffs contend that their alleged physical injuries were caused mold in their residence located at 354 Timber Road, Mt. Gretna, Lebanon County, Pennsylvania. (Karen Marrone N.T. at 16 – 17; Jack Marrone N.T. at 23).

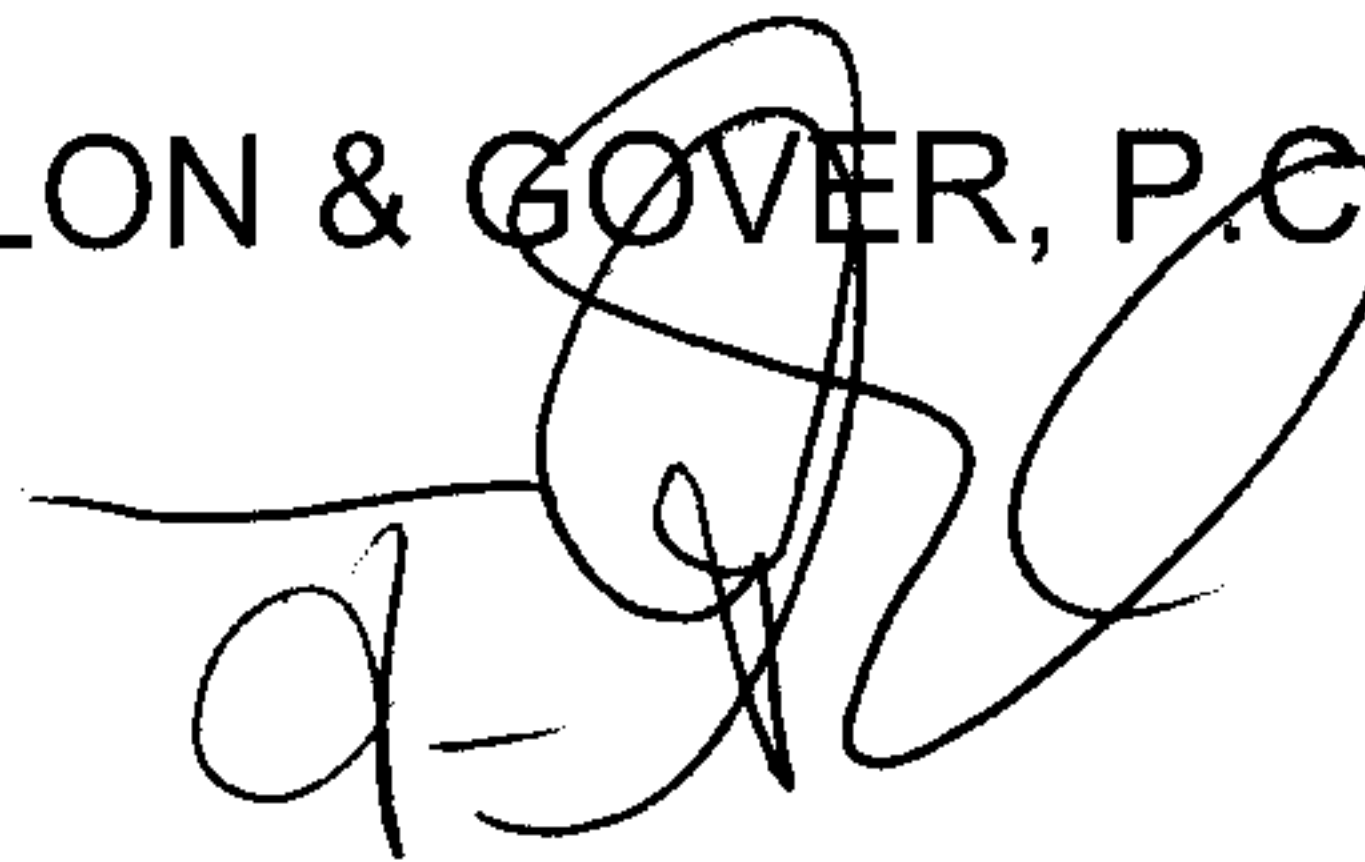
9. Larry Miller, a claims adjustor from Allstate, went to the Marrone residence on behalf of Allstate to inspect the property on or about

August 10, 2000 after the mold problem was reported to Allstate by Plaintiffs. (Karen Marrone N.T. at 17; Jack Marrone N.T. at 25).

10. While at the Plaintiffs' residence, Larry Miller suggested Plaintiffs contact Fire Tech to correct the mold problem in the Plaintiffs' basement. Larry Miller also recommended the Claimants spray mildicide in the basement to address the mold problem. (Karen Marrone N.T. 18 – 19, 21).

Respectfully submitted,

NEALON & GOVER, P.C.

A handwritten signature in black ink, appearing to read 'J. Nealon', written over the firm name.

By:

James G. Nealon, III, Esquire
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2411 North Front Street
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717/232-9900

Date: 5/16/03

CERTIFICATE OF SERVICE

AND NOW, this 16 day of May, 2003, I hereby certify that I have served the foregoing STATEMENT OF UNDISPUTED FACTS on the following by depositing a true and correct copy of same in the United States mail, postage prepaid, addressed to:

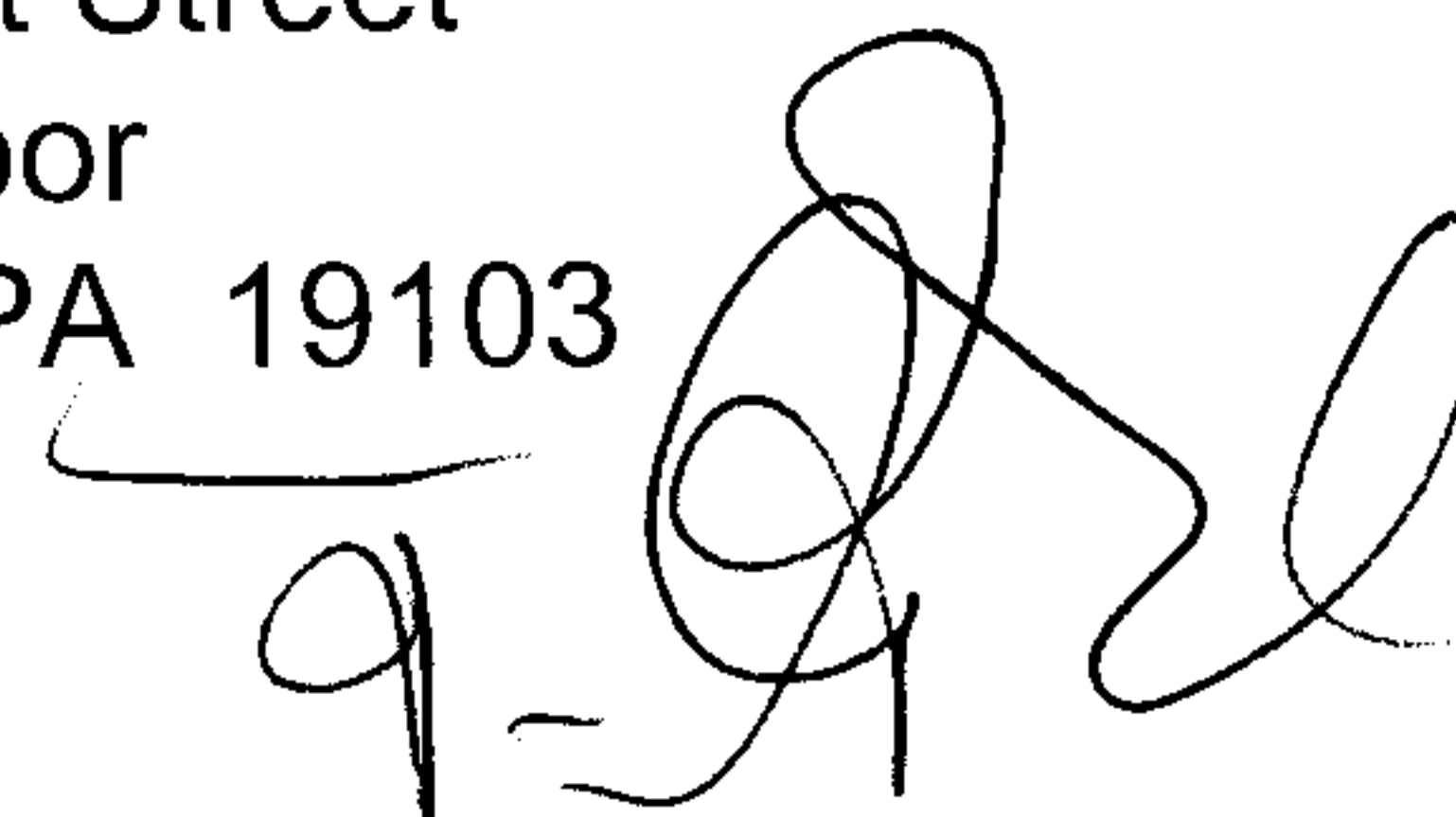
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